

18-3239-CV-S-SRB-P

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

*(Write the District and Division, if any, of the
court in which the complaint is filed.)*

SHELBY J REED

*(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)*

-against-
MISSOURI STATE PUBLIC
DEFENDER OFFICE

*(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names. Do not include
addresses here.)*

Complaint for Violation of Civil
Rights

(Prisoner Complaint)

Case No. _____
(to be filled in by the Clerk's Office)

REQUEST FOR TRIAL BY JURY

Plaintiff requests trial by jury. Yes No

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Shelby J REED

All other names by which you have been known:

James Shelby REED

ID Number

Inmate #7 30930

Current Institution

Taney County Jail

Address

P.O Box 1005

Forsyth, MO 65653

B. The Defendant(s)

- Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation.
- Make sure that the defendant(s) listed below are identical to those contained in the above caption.
- For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both.
- Attach additional pages if needed.

Defendant No. 1

Name

Missouri state public defender
System

Job or Title
(if known)

Shield Number

Employer

Address

Rod Hackathorn

630 N Robberson

Springfield, MO 65806



Individual capacity



Official capacity

Defendant No. 2

Name _____

Job or Title _____
(if known) _____

Shield Number _____

Employer _____

Address _____

Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- Federal officials (a *Bivens* claim)
 State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights.

What federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

"Rights to Due Process"
"Rights to Speedy Trial"
"Rights to Legal Appointed Attorney"

"Statement Claim" PG(-5-A)

I WAS arrested on 5-18-18 for the alleged crime of tampering w/motor vehicle in the 1st degree, I filled out my 1st public defender form following my arraignment hearing in Judge YARNELL's court room so that I could gain proper needed counsel and representation.

On 5-25-18 I went back to Judge YARNELL's Court room for my Bond reduction hearing, As the transcripts would show the public Defenders office mentioned I WAS still awaiting a Attorney to become available to handle my case.

On the Month of June I had another scheduled court hearing in miss YARNELL's Court Room but again no Attorney was yet available to take my case, and was told I WAS on the List.

On July 9th, I WAS back yet AGAIN in miss YARNELL's Court room here in Taney County, And Me And the Judge was then told that I for some reason WAS showing approved for counsel but still WAS not assigned a public Defender.

I then filled out A 2nd public Defender form As instructed by Judge YARNELL who was also very upset with the Missouri public Defenders office, I filled this second form out why in the Court Room.

I'm now set for Court Again on July 13th at 9AM and still as of todays date 7-30-18 have yet to receive proper defense Counsel.

These above explained events happen to me while incarcerated in taney County jail, I am still awaiting to begin my court proceedings after all this

TIME, This here by violates my right to have
A Court Appointed Attorney if negligent, my
Right to due process and speedy trial as well,
this has caused tremendous stress And
mental anguish on me and my family.

Shelby Reed
Shelby Reed

7-30-18

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- Pretrial detainee
 Civilly committed detainee
 Immigration detainee
 Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Other (*explain*) _____

IV. Statement of Claim

Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

- What happened to you?
- What injuries did you suffer?
- Who was involved in what happened to you?
- How were the defendants involved in what happened to you?
- Where did the events you have described take place?
- When did the events you have described take place?

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

SEE ATTACHED PAGE (5-A)
STATEMENT CLAIM

VI RELIEF

PB: 6-B

<Actual Damages>

There's no ACTUAL DAMAGES financially
How ever the lack of counsel has caused
me not to be able to work.

(Punitive Damage)

The lack of counsel has set me back
in court proceeding by 3 months, which
since I've been incarcerated missing
the birth of my twins being born
on July 7th, 2018, And has affected
and suffered stress on me and my
family,

I'm requesting financial compensation
in the dollar amount of \$200,000
And to be appointed a private counsel
to represent me due to conflict
of interest with the public defender's
office specifically dealing with
this matter.

Shelby Reed



V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

No physical injuries sustained, just a lot of mental anguish and tormenten and also anxiety outbreak due to my babies born July 7 due to the negligence of the staff public defenders office I missed the birth of my kids cause the Judge wouldn't hear my case without an attorney present on my behalf.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Drop case

Drop all and all charges against me in this County Court.

Drop all spent denied my right
Drop passes and speedy trial

(SEE ATTACHED PAGE
(6-B))

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes
 No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Tonny County JAIL

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes
 No
 Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes
 No
 Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes
 No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

- Yes
 No

E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance? (*Attach a copy of your grievance, if available*)

3. What was the result, if any? (*Attach a copy of any written response to your grievance, if available*)

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (*Describe all efforts to appeal to the highest level of the grievance process.*)

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

My issue is with the Missouri state public defender office / system, there is no grievance procedure to follow,

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I spoke to Judge YARNELL of Taney County, She stated she could forward no legal advice And set my Court Docket back Another 30 Days Awaiting a Attorney to be offered to me.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I wrote a letter seeking a resolution to this matter and have yet to receive any type of response in the matter,

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?



Yes
No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes
 No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (*if federal court, name the district; if state court, name the county and State*)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes
 No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
-
-

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes
 No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____
Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)
-

3. Docket or index number
-

4. Name of Judge assigned to your case
-

5. Approximate date of filing lawsuit
-

6. Is the case still pending?

Yes
No (If no, give the approximate date of disposition):

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
-
-

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: July 17, 2018.

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

City State Zip Code



Shelby REED
30930
TANEY CO. JAIL
P.O. BOX 1005 FORSYTH, MO 65653

WESTERN DISTRICT OF MISSOURI

100 U.S. COURTHOUSE

221 DEADERICK ST., SPRINGFIELD, MO 65801

© OFFICIAL BUSINESS



SHELBY REED

Frank County JAIL

P.O. Box 1005

FORSYTH, MO 65653

CORRESPONDENCE
FROM A
CORRECTIONAL FACILITY

REC'D JUL 31 2010

CLERKS OFFICE

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MISSOURI

1400 U.S. COURT HOUSE

222 John Q. Hammons Plaza

Springfield, MO 65801

(local mail)

